

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By **CHAIRMAN DIANE RICE**, on January 9, 2003 at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Verdell Jackson, Vice Chairman (R)
Rep. Ralph Lenhart, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Norman Ballantyne (D)
Rep. Bob Bergren (D)
Rep. Norma Bixby (D)
Rep. Carol Lambert (R)
Rep. Jim Peterson (R)
Rep. Brennan Ryan (D)
Rep. Veronica Small-Eastman (D)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Bruce Malcolm (R)
Rep. Bill Thomas (R)

Members Absent: None.

Staff Present: Lisa Gallagher, Committee Secretary
Krista Lee Evans, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 31, 1/9/2003; HB 75,
1/9/2003
Executive Action: HB 62, HB 128

HEARING ON HB 31

Sponsor: REPRESENTATIVE KARL WAITSCHIES, HD 96, PEERLESS

Opening Statement by Sponsor:

{Tape: 1; Side: A Approx. Time Counter: 0}

REPRESENTATIVE KARL WAITSCHIES, HD 96, Peerless, said that he was carrying this bill on behalf of the Department of Agriculture and that this is a fertilizer bill that would do two things. First it would provide for an increase in fertilizer fees and second it would provide funding for the safe use of anhydrous ammonia. He said that anhydrous ammonia is very dangerous if not used properly.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 3 - 5.4}

Ralph Peck, Director of the Department of Agriculture submitted his written testimony.

EXHIBIT (agh04a01)

Pam Langley, Montana AGRIBUSINESS Association said that they support this bill. There is a need for this money and some factors are the drought and the no-till system. This bill will raise the fertilizer user fees from \$.65 to \$1.00, and this is the least expensive fertilizer to use. She also stated that the Department of Agriculture uses their money well and this will be going towards a good cause. The Department of Agriculture has taken a proactive stance on trace metals. The American Plant Food Commission enables uniformity from state to state regulations in regards to trace metals such as cadmium, lead and arsenic.

John Youngberg, Montana Farm Bureau stated that they support this increase. The Montana Farm Bureau worked with the Department of Agriculture on this bill and it is a fair increase.

Barbara Broberg, Women Involved in Farm Economics stated that they are in support of this bill and this increase is necessary.

Questions from Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Counter: 12.1}

REP. LENHART asked **Director Peck** how they monitor and regulate the presence of trace metals, and what the department and

training inspections do to curb the theft of anhydrous ammonia and will this add new FTE's. **Director Peck** said "no" we use the existing staff and the funds support the existing program. The Department of Agriculture takes trace samples and sends them to Bozeman to be tested. There are Agriculture inspectors throughout the state that are trained to go do inspections for the theft of ammonia. This is a very vigilant effort towards ammonia. If some type of vandalism is found these inspectors contact law enforcement. They take it from there. It is our job to inspect but it is the job of the law enforcement to take over with we find theft or damage to these sites.

REP. PETERSON asked **Director Peck** if the manufacturers and the distributors train the farmers. **Director Peck** replied that the Department of Agriculture works with the manufacturers and the distributors and the farmers become the responsibility of the industry. The farmer get a very small portion of their training from the Department of Agriculture but they just do not have the man power. The farmer gets their training at the retail level.

{Tape: 1; Side: A; Approx. Time Counter: 15.4}

REP. PETERSON asked **Director Peck** if the fees are assessed and collected at the manufacturing and distribution level and then just included in the price paid by the farmers. **Director Peck** said "correct."

{Tape: 1; Side: A; Approx. Time Counter: 18.2}

REP. STEINBEISSER asked **Director Peck** how often they sample. **Director Peck** stated that they are random samples and they only do a limited amount, and then he referred the question to **Greg Ames, Administrator of Agriculture Sciences Division of Department of Agriculture**, stated that they did 125 inspections of license fertilizer holders in the year fiscal year 2002, and 7 monitorings at waste stations across the Canadian border.

Closing by Sponsor:

REP. WAITSCHIES said that this is worthwhile and is funded by user fees and would like the support of the committee.

HEARING ON HB 75

{Tape: 1; Side: A; Approx. Time Counter: 20.8}

Sponsor: **REPRESENTATIVE BOB LAKE, HD 60, HAMILTON**

Opening Statement by Sponsor:

REP. BOB LAKE, HD 60, Hamilton, submitted his written testimony.
EXHIBIT(agh04a02)

Proponents' Testimony:

Ralph Peck, Director of the Department of Agriculture, submitted his written testimony.
EXHIBIT(agh04a03)

{Tape: 1; Side: A; Approx. Time Counter: 26.1}

Pam Langley, Montana AGRIBUSINESS Association, stated that the members of this program are paying the bulk of it. When the program first started they charged \$30 per year for the pesticide dealer and for the applicator. They would also like to see a fee reduction in the bill because too much money is coming in. Asked that the committee hold off on action on this bill, so that they can combine it with another bill to reduce the user fees to \$10 per year in this bill. This program is not only available to agriculture but it is also available to the urban area. The fees on this program are being used for what was intended.

{Tape: 1; Side: B; Approx. Time Counter: 0}

John Youngberg, Montana Farm Bureau, stated that they think this is a good bill and are in support of it. It is an excellent program and is very well run by the department.

Barbara Broberg, Women Involved in Farm Economics, said that when she bought a farm they used this program and it worked great and they are in support of this bill.

Questions from Committee Members and Responses:

REP. PETERSON asked **Director Peck** how pesticides are picked up and disposed of. **Director Peck** referred the question to **Dan Sullivan, Bureau Chief for Technical Services Bureau** who said that they hire a contractor who does the collection. The Department of Agriculture schedules the pickup and then the contractor comes and picks up the pesticides and disposes of them, and from there they go to the waste facilities.

REP. PETERSON asked **Dan Sullivan** "Who do I contact?" **Dan Sullivan** said "our offices; we have forms on the internet and you

fill one of those out and we schedule you and they then come and get it."

REP. LAMBERT said that you can also contact your county extension office.

Closing by Sponsor:

REP. LAKE said that he has participated in this program and it is an excellent program that is inexpensive and safe. He said that the Department of Agriculture is doing a good job and would like the committee to support this bill.

EXECUTIVE ACTION ON HB 62

Motion: **REP. LAMBERT** moved that **HB 62 DO PASS AS AMENDED.**

Motion: **REP. SMITH** moved that **HB 62 BE AMENDED.**

EXHIBIT (agh04a04)

Discussion:

REP. WAITSCHIES asked **REP. LENHART** if humans were included in the definition of pest. **REP. LENHART** said "no."

Motion/Vote: **REP. SMITH** moved that **HB 62 BE AMENDED.** Motion carried 14-0, roll call vote with Malcolm and Thomas excused.

Motion/Vote: **REP. LAMBERT** moved that **HB 62 DO PASS AS AMENDED.** Motion carried 15-0, roll call with Thomas excused.

EXECUTIVE ACTION ON HB 128

Motion: **REP. JACKSON** moved that **HB 128 DO PASS.**

Discussion:

REP. JACKSON stated that he is very concerned about weed control. He said that he talked with Senator Taylor about putting \$10 million in a trust fund, but they both decided this was the only way to ensure weed control in the future.

REP. LAMBERT said that everyone is effected by weeds and that her only reservation about this bill is that it is not enough money.

She stated that it is a good idea to put it in a trust so that it might get private money which would help it build quickly.

REP. PETERSON asked **REP. RICE** if this trust would have the same rules as other trusts. **REP. RICE** replied "yes," it needs to be recreated constitutionally, and you still need a 3/4 vote from both houses of the legislature.

REP. SMALL-EASTMAN offered an amendment.

EXHIBIT (agh04a05)

Motion: **REP. SMALL-EASTMAN** moved that **HB 128 BE AMENDED.**

Discussion:

REP. BERGREN said that in line 18 of the bill "in excess of \$10 million" is already inserted.

REP. SMALL-EASTMAN said that she would like it added in line 19 just to be safe so that they can't dig into the principal of \$10 million.

REP. ANDERSON read line 16 and stated that it should take care of the problem.

REP. RYAN stated that this is a friendly amendment and it only clarifies the bill.

REP. PETERSON asked if the second line of section 6 paragraph 3 would read that the appropriates of interest of the \$10 million will only go to the funding of the noxious weed program.

REP. RICE stated that the fund already exists and this bill only makes it inviolate. It is different from the coal trust because it has a soft cap. She said what **REP. SMALL-EASTMAN** has done has just further clarified this bill and it is a friendly amendment.

REP. WAITSCHIES asked **REP. SMALL-EASTMAN** if this amendment will make it so you cannot use the interest until the principal reaches the \$10 million mark. **REP. SMALL-EASTMAN** said, "No."

Krista Lee Evans stated that this amendment only clarifies. It just makes it so that the money is used to fight weeds and not a bicycle safety program.

REP. PETERSON asked **Krista Lee Evans** if all the interest must go into the trust fund until it gets to \$10 million. **Krista Lee Evans** said that this is the same language that is in the RIT and so it is safe and the if challenged the RIT would set a precedence.

REP. RYAN asked, "What if you just put a comma after the dollars. Does that clarify it more?"

Krista Lee Evans stated that she thinks that the comma would do the opposite of what was desired.

Motion/Vote: **REP. SMALL-EASTMAN** moved that **HB 128 BE AMENDED**.
Motion carried 11-4, roll call vote with Andersen, Jackson, Peterson, and Steinbeisser voting no.

REP. LENHART said this is an excellent bill and that it is too bad that it is not effective until 2004.

REP. RICE said that more is not better in this case, and that the cap should be kept at \$10 million.

Motion/Vote: **REP. ANDERSEN** moved that **HB 128 DO PASS AS AMENDED**.
Motion carried unanimously, roll call vote.

ADJOURNMENT

Adjournment: 4:30 P.M.

REP. DIANE RICE, Chairman

LISA GALLAGHER, Secretary

DR/LG

EXHIBIT (agh04aad)